

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

JUL - 6 2011

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

SHANNON PEREZ, HAROLD  
DUTTON, JR. AND GREGORY TAMEZ

Plaintiffs

v.

STATE OF TEXAS; RICK PERRY,  
in his official capacity as Governor of the  
State of Texas; DAVID DEWHURST,  
in his official capacity as Lieutenant  
Governor of the State of Texas; JOE  
STRAUS, in his official capacity as Speaker  
of the Texas House of Representatives;  
HOPE ANDRADE, in her official  
capacity as Secretary of State of the  
State of Texas

Defendants

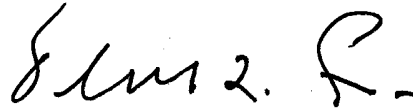
CIVIL ACTION NO.  
SA-11-CA-360-OLG-JES-XR

**ORDER**

Pending before the Court is Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted. (Dkt. #9). Plaintiffs filed a response thereto. (Dkt. #18). In the interim, Plaintiffs filed their Unopposed Motion for Leave to File Second Amended Complaint (Dkt. #13). The unopposed motion was granted on June 17, 2011. (Dkt. #15). Because Plaintiffs' complaint has been amended and Defendants have since filed their Motion to Dismiss Plaintiffs' Second Amended Complaint (Dkt. #20), Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted

(Dkt. #9) is DENIED as moot.<sup>1</sup>

SIGNED and ENTERED this 6 day of July, 2011.



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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Defendants note in their new motion that the previous motion “is now moot.” See Dkt. #20, p. 1, n. 1.